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March 25, 2021

Floyd, et al. v. City of New York, 08-CV-1034 (AT)  
Ligon, et al. v. City of New York, et al., 12-CV-2274 (AT)  
Davis, et al. v. City of New York, et al., 10-CV-0699 (AT)

Dear Judge Torres:

We are counsel to the Monitor, Peter L. Zimroth, and respectfully write to request an order in the above-captioned matters authorizing and requiring the City of New York to share certain statutorily protected information with the Monitor in furtherance of the studies of police conduct that this Court recently ordered.

On July 17, 2017, this Court entered an order (the “Original Sharing Order”) authorizing the City of New York (the “City”) and New York City Police Department (“NYPD”) to share body-worn camera (“BWC”) recordings with the Monitor in furtherance of the one-year BWC pilot overseen by the Monitor and his team. *See Floyd v. City of New York*, 08-cv-1034 (AT), ECF No. 522 (Dec. 8, 2015) (implementing the BWC pilot); *Floyd v. City of New York*, 08-cv-1034 (AT), ECF No. 559 (July 17, 2017) (the Original Sharing Order). On February 12, 2021, this Court approved and ordered into effect certain further studies of police conduct (the “Studies”) that the

Monitor and his team will conduct and that will also require review of BWC recordings and other information provided by the City and NYPD. *Floyd v. City of New York*, No. 08-cv-1034 (AT), ECF No. 817 (Feb. 12, 2021).

The order attached as Appendix 1 to this letter (the “New Sharing Order”) essentially extends the powers and duties created by the Original Sharing Order from the context of the one-year BWC pilot to the new context of the Studies. The New Sharing Order will facilitate the Studies by enabling the City and NYPD to share statutorily protected recordings, documents, data, and other information with the Monitor and his team. The New Sharing Order will accomplish this end because it advances the remedial order by which this Court has implemented its interpretation of the U.S. Constitution, *see Floyd v. City of New York*, 959 F. Supp. 2d 668 (S.D.N.Y. 2013), so any information sharing that takes place pursuant to the New Sharing Order will be protected from liability under the Supremacy Clause, *see Washington v. Washington State Commercial Passenger Fishing Ass’n*, 443 U.S. 658, 695 (1979). For these reasons, the New Sharing Order is “warranted by the exercise of [this Court’s] sound discretion,” and therefore is within this Court’s power to enter as an extension of the Original Sharing Order. *Brown v. Plata*, 563 U.S. 493, 542 (2011). Accordingly, the Monitor respectfully requests that this Court enter the New Sharing Order.

Respectfully submitted,

*/s/ Benjamin Gruenstein*

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BY ECF